

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	20-CR-135(RML)
	:	
	:	
-against-	:	United States Courthouse
	:	Brooklyn, New York
	:	
	:	
AWAIS CHUDHARY,	:	Friday, August 26, 2022
	:	10:00 a.m.
Defendant.	:	
	:	
	:	

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TRANSCRIPT OF CRIMINAL CAUSE FOR PLEADING
BEFORE THE HONORABLE ROBERT M. LEVY
UNITED STATES MAGISTRATE JUDGE

A P P E A R A N C E S:

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EASTERN DISTRICT OF NEW YORK
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BY: NORA K. HIROZAWA, ESQ.
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Proceedings recorded by mechanical stenography, transcript
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1 THE LAW CLERK: This is criminal cause for a
2 pleading, United States v. Chudhary, 20-CR-135.

3 Please state your appearances for the record
4 beginning with the Government.

5 MR. ALGOR: Good morning, your Honor. Jonathan
6 Algor and Ellen Sise for the United States.

7 THE COURT: Good morning.

8 MR. JACOBSON: And good morning, your Honor. Sam
9 Jacobson and Nora Hirozawa, Federal Defenders, for Awais
10 Chudhary, who is present next to us.

11 THE COURT: Good morning.

12 Good morning, Mr. Chudhary.

13 THE DEFENDANT: Good morning.

14 THE COURT: Can you just say your name for the
15 record, please?

16 THE DEFENDANT: Awais Ali Chudhary.

17 THE COURT: Thank you.

18 THE LAW CLERK: I'll swear in the Defendant.

19 Mr. Chudhary, could you please raise your right
20 hand?

21 Do you solemnly swear or affirm that the statements
22 you are about to give in this pleading shall be the truth, the
23 whole truth, and nothing but the truth?

24 THE DEFENDANT: Yes, I do.

25 THE COURT: Who will be speaking primarily for the

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1 defense, today?

2 MR. JACOBSON: I will, your Honor.

3 THE COURT: All right. So, Mr. Jacobson, what would
4 your client like to do today?

5 MR. JACOBSON: He'd like to change his plea to
6 guilty to the sole charge in the indictment.

7 And it's not pursuant to a plea agreement.

8 THE COURT: All right. I have in front of me a
9 consent form in which, Mr. Chudhary, you have agreed to have
10 me, a magistrate judge, hear your guilty plea and make a
11 recommendation to Judge Amon whether to accept it.

12 Do you remember signing this document?

13 THE DEFENDANT: Yeah.

14 THE COURT: And I see there's a signature here above
15 the name of the Defendant. Is that your signature?

16 THE DEFENDANT: Yes, that's my signature.

17 THE COURT: And are you agreeing voluntarily to have
18 me hear the plea and make a recommendation to Judge Amon?

19 THE DEFENDANT: Yes.

20 THE COURT: Nobody forced you or threatened you or
21 made you any promises to induce you to do that?

22 THE DEFENDANT: No.

23 THE COURT: I'm going to ask you a lot of questions.
24 The questions are for your benefit as well for the Court's
25 benefit. If there's anything that you don't understand, just

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1 please let me know, and I'll explain it.

2 If at any time you would like to discuss the case or
3 your answer to a question with either of your lawyers, feel
4 free to do that. You can do that confidentially by just
5 pushing the button on your microphone.

6 Okay?

7 THE DEFENDANT: I will.

8 THE COURT: You're under oath, which means that you
9 have to answer my questions honestly and completely. Again,
10 if you have any questions about them, please ask. But if you
11 don't answer them honestly and completely, you could be
12 prosecuted for perjury.

13 Do you understand?

14 THE DEFENDANT: Yes, I understand.

15 THE COURT: What is your full name?

16 THE DEFENDANT: Awais Ali Chudhary.

17 THE COURT: How old are you?

18 THE DEFENDANT: Twenty-two.

19 THE COURT: What is the last level of schooling that
20 you finished?

21 THE DEFENDANT: One semester of college when I was
22 19 years old.

23 THE COURT: Do you speak any other languages than
24 English?

25 THE DEFENDANT: Not really fluently, but yeah.

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1 (Pause in proceedings; record read.)

2 THE DEFENDANT: Not really fluently, but kind of.

3 Like, Urdu, I speak it a little bit.

4 THE COURT: I understand. So, English is your most
5 fluent language.

6 THE DEFENDANT: Yes.

7 THE COURT: And you speak that fluently.

8 THE DEFENDANT: Yeah.

9 THE COURT: Are you now or have you recently been
10 under the care of a doctor or a psychiatrist?

11 THE DEFENDANT: No.

12 THE COURT: In the past 24 hours, have you taken any
13 medicine or pills of any kind?

14 THE DEFENDANT: No, I haven't.

15 THE COURT: In the past 24 hours, have you taken any
16 narcotic drugs or drunk any alcoholic beverages?

17 THE DEFENDANT: No.

18 THE COURT: Have you ever been -- I have to ask this
19 question of everyone: Have you ever been hospitalized or
20 treated for narcotic addiction?

21 THE DEFENDANT: No.

22 THE COURT: For alcoholism?

23 THE DEFENDANT: No.

24 THE COURT: For a mental or emotional problem?

25 THE DEFENDANT: No.

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1 THE COURT: Is your mind clear now?

2 THE DEFENDANT: I think so, yeah.

3 THE COURT: Do you understand why you're here and
4 what's happening here today?

5 THE DEFENDANT: Yeah, I do.

6 THE COURT: Again, that's a question I ask of
7 everyone.

8 I have a few questions to ask of your attorneys, and
9 then I'll come back to you.

10 Mr. Jacobson, have you discussed this matter fully
11 with your client?

12 MR. JACOBSON: Yes, we have, your Honor.

13 THE COURT: Does he understand the rights he would
14 be waiving by pleading guilty?

15 THE DEFENDANT: He does.

16 THE COURT: Is he capable of understanding the
17 nature of these proceedings?

18 MR. JACOBSON: Yes, he is.

19 THE COURT: Do you have any doubt as to his
20 competence to plead at this time?

21 MR. JACOBSON: No, your Honor.

22 THE COURT: Have you advised him of the possible
23 maximum and minimum sentence, fine, and other penalties that
24 could be imposed if he pleads guilty?

25 MR. JACOBSON: We have.

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1 THE COURT: Have you discussed with him the
2 sentencing guidelines, how they work, given him an estimate of
3 his guideline range?

4 MR. JACOBSON: Yes, Judge.

5 THE COURT: Have you advised him that there's no
6 guarantee what his guideline range will be or what his
7 sentence will be at this time?

8 MR. JACOBSON: Yes, we have.

9 THE COURT: Have you advised him that if he is not a
10 citizen -- and I have no idea whether he is or not -- a guilty
11 plea could result in deportation?

12 MR. JACOBSON: Yes.

13 And he is a citizen.

14 THE COURT: Are you satisfied that he understood all
15 of your discussions?

16 MR. JACOBSON: Yes, I am.

17 THE COURT: So, Mr. Chudhary, did you hear what your
18 lawyer said?

19 MR. JACOBSON: I did.

20 THE COURT: And have you discussed -- first of all,
21 do you agree with everything that he said?

22 THE DEFENDANT: Yeah, I do.

23 THE COURT: And have you discussed your case with
24 him fully?

25 THE DEFENDANT: Yes.

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1 THE COURT: Are you satisfied to have your lawyers
2 represent you?

3 THE DEFENDANT: Yeah, I am.

4 THE COURT: So, I have a copy of the indictment,
5 which is the document that charges you formally in this case.

6 Have you had a chance to read the indictment?

7 THE DEFENDANT: Yeah, I have.

8 THE COURT: Do you have a copy of the indictment
9 either here or somewhere else?

10 THE DEFENDANT: Elsewhere I do.

11 THE COURT: Have you discussed the indictment with
12 your lawyer?

13 THE DEFENDANT: Yeah, I have.

14 THE COURT: Do you understand it fully?

15 THE DEFENDANT: Yeah.

16 THE COURT: Are there any questions you have about
17 it now before we go any further?

18 THE DEFENDANT: No, not really.

19 THE COURT: So, I'm going to ask, Mr. Jacobson, are
20 you satisfied that Mr. Chudhary understands the charges
21 against him?

22 MR. JACOBSON: Yes, your Honor.

23 THE COURT: Will the Government briefly explain
24 those charges?

25 MR. ALGOR: Yes, your Honor.

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1 To the one sole count, attempting to provide
2 material support to a terrorist organization, statute
3 18 U.S.C. 2339(b), that in August 2019, within the Eastern
4 District of New York, the Defendant, knowingly and
5 intentionally, attempted to provide material support,
6 providing himself, to a foreign terrorist organization. And
7 in this case, that foreign terrorist organization is ISIS.

8 THE COURT: And when you say "attempt," how do you
9 understand that in terms of the charge?

10 MR. ALGOR: So that under the statute, the Defendant
11 attempted to commit the predicate statute 2339(b), which is
12 providing material support to ISIS, and then took a
13 substantial step in furtherance of doing so.

14 THE COURT: Thank you.

15 Mr. Chudhary, do you understand what Mr. Algor said?

16 THE DEFENDANT: Yeah.

17 THE COURT: So, any questions about anything I've
18 said so far?

19 THE DEFENDANT: No, I don't think so.

20 THE COURT: So, I mentioned earlier that this
21 proceeding is both for your benefit and for the Court's
22 benefit. I want to make sure that you understand your rights
23 because there are a number of rights that you have now that a
24 guilty plea will take away; in other words, you'll be giving
25 them up by pleading guilty. I'm sure you've had discussions

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1 with your lawyers about those rights, but I just want to go
2 through the main ones again.

3 Do you understand that you have a right to plead not
4 guilty?

5 THE DEFENDANT: Yeah.

6 THE COURT: And do you understand that if you
7 continue to plead not guilty, it's your right under the
8 Constitution and laws of this country to a speedy and public
9 trial by jury, with the help of your lawyers, on the charges
10 contained in the indictment that we just discussed?

11 THE DEFENDANT: Yeah.

12 THE COURT: And do you understand that if at any
13 time during this process you cannot afford to retain an
14 attorney, the Court will appoint a lawyer, as you have lawyers
15 appointed now, to advise you and represent you at every stage
16 of this case, all the way through trial, and, if there's a
17 conviction, through an appeal, and this will all be at no cost
18 to you; do you understand?

19 THE DEFENDANT: Yeah, I understand.

20 THE COURT: Do you understand that if you decided to
21 go to trial, you would be presumed to be innocent; the
22 Government would have to overcome that presumption and prove
23 your guilt by what we call "competent evidence" that's
24 admissible in court and by proof beyond a reasonable doubt?

25 THE DEFENDANT: Yes.

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1 THE COURT: You would not have to present any
2 evidence or prove that you're innocent.

3 THE DEFENDANT: I understand.

4 THE COURT: So that even if you did everything the
5 Government has accused you of, if the Government cannot prove
6 to a jury beyond a reasonable doubt that you're guilty, the
7 jury would have a duty to find you not guilty.

8 THE DEFENDANT: Yeah, I understand.

9 THE COURT: Any questions about anything so far?

10 THE DEFENDANT: I don't think so.

11 THE COURT: During your trial, if you decide to go
12 to trial, the Government would have to bring its witnesses to
13 court, they would have to testify in your presence, your
14 lawyers would have the right to cross-examine the Government's
15 witnesses, to object to the Government's evidence, to present
16 witnesses on your behalf, and to compel witnesses whom you
17 wish to call to appear in court, and to offer evidence in your
18 defense; do you understand?

19 THE DEFENDANT: Yeah.

20 THE COURT: If you go to trial, you would have a
21 choice: You would have the right to testify, if you chose to
22 do so; but if you choose not to, you have the right to remain
23 silent.

24 Under the Fifth Amendment to the United States
25 constitution, you have a right to remain silent and not to

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1 incriminate yourself. And, so, if you decided to go to trial
2 but not to testify, the trial judge, Judge Amon, would
3 instruct the jurors they couldn't hold that against you or
4 assume that you're guilty because you didn't speak up in your
5 own defense.

6 THE DEFENDANT: I understand.

7 THE COURT: Any questions about anything so far?

8 THE DEFENDANT: No.

9 THE COURT: If you plead guilty and the Court
10 accepts your guilty plea, you'll be giving up your
11 constitutional right to a trial, the right to remain silent,
12 and the other rights that I've just explained. There will be
13 no trial of any kind, no right to appeal from the judgment of
14 guilty. The Court will simply enter a judgment that you're
15 guilty based on what you say here today.

16 Do you understand?

17 THE DEFENDANT: I understand.

18 THE COURT: And if you do plead guilty, I'm going to
19 have to ask you some questions to make sure that you truly are
20 guilty. You'll have to answer me and admit your guilt. And
21 in doing that, you'll be giving up your right to remain silent
22 and not to incriminate yourself.

23 THE DEFENDANT: All right. I understand.

24 THE COURT: Again, any questions?

25 THE DEFENDANT: No.

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1 THE COURT: Are you willing to give up your right to
2 trial and the other rights I've just discussed?

3 THE DEFENDANT: Yeah.

4 THE COURT: So, this plea is not pursuant to an
5 agreement, correct?

6 MR. ALGOR: That's correct, your Honor.

7 THE COURT: Does the Government have an estimate as
8 to what the guideline range might be in this case?

9 MR. ALGOR: Yes, your Honor. The Government
10 estimates a total offense level of 38 and the guidelines range
11 is 360 to life assuming the Defendant is Criminal History
12 Category VI with the application of the terrorism enhancement.
13 Because the statutory maximum sentence is 20 years, the
14 effective guidelines range is 240 months.

15 THE COURT: Mr. Jacobson, have you explained your
16 estimate to your client?

17 MR. JACOBSON: Yes, we've explained both the
18 Government's estimate and our estimate, which differs to the
19 extent that we believe that the terrorism enhancement is not
20 applicable here.

21 THE COURT: Is there anything more you would like to
22 put on the record or is there no need to?

23 MR. JACOBSON: Nothing further, Judge.

24 THE COURT: Okay. So, Mr. Chudhary, do you have any
25 questions about what either attorney just said?

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1 THE DEFENDANT: No, I don't.

2 THE COURT: I'm going to ask the Government once
3 again to explain what it believes the possible maximum and
4 minimum sentence, fine, and other punishments would be if he
5 did plead guilty.

6 MR. ALGOR: Yes, your Honor.

7 Under the statute, the maximum term of imprisonment
8 is, as I mentioned, 20 years. There is no minimum term of
9 imprisonment for 18 U.S.C. 2339(b).

10 As to a maximum fine, that's \$250,000.

11 And within supervised release, there's a maximum
12 supervised release term of life to follow any term of
13 imprisonment. And if a condition of release is violated, the
14 Defendant may be sentenced to up to two years without credit
15 for prerelease imprisonment.

16 There's no restitution in this case.

17 There's obviously a \$100 special assessment as to
18 the sole count.

19 And, finally, we expect an order of forfeiture to be
20 filed related to certain devices that were seized from the
21 Defendant as well as other items that the Defendant was
22 attempting to pick up at a locker that was going to be used in
23 the knife attack.

24 THE COURT: Any questions about what the Government
25 just said?

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1 THE DEFENDANT: No, I don't think so.

2 THE COURT: Mr. Jacobson, is there anything you'd
3 like to add to the description of the possible penalties?

4 MR. JACOBSON: No, your Honor. Thank you.

5 THE COURT: Let's talk for a moment about penalties
6 and sentencing.

7 I mentioned earlier that if you plead guilty today,
8 you'll be doing so without knowing for sure what your
9 guideline range will be or what your sentence will be; do you
10 understand that?

11 THE DEFENDANT: I understand it.

12 THE COURT: And there are a number of factors that
13 the Court considers in deciding how to sentence you. So,
14 Judge Amon will calculate your guideline range after hearing
15 from the Government, the probation department, and your
16 lawyers and will determine whether or not it's fair to
17 sentence you within the guidelines, above the guidelines, or
18 below the guidelines. In other words, the guidelines are just
19 advisory, they're just an aid to help guide Judge Amon in
20 sentencing you, but they're not binding. So, she can depart
21 from the guidelines under certain circumstances.

22 Have you had a chance to discuss that concept with
23 your lawyers?

24 THE DEFENDANT: Yes.

25 THE COURT: Any questions about what I've said so

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1 far?

2 THE DEFENDANT: No.

3 THE COURT: So, in addition to the guidelines, there
4 are a number of other factors in 18 United States Code 3553
5 that Judge Amon has to consider. I'm sure your lawyer has
6 explained them to you, but I'm just going to go over them in
7 case you have any questions.

8 The first is the nature and circumstances of the
9 charge and the history and characteristics of you -- in other
10 words, basically, what your criminal history and other history
11 would be -- the need for the sentence imposed to reflect the
12 seriousness of the offense, to promote respect for the law,
13 and to provide fair punishment for the offense; the need for
14 the sentence to afford adequate deterrence to criminal
15 conduct; to protect the public from further crimes that you
16 might commit; and to provide you with needed educational or
17 vocational training, medical care, or other correctional
18 treatment in the most effective manner.

19 I'm just reading from the statute. Any questions
20 about what I just said?

21 THE DEFENDANT: No.

22 THE COURT: So, once again, there's no guarantee
23 what your sentence will be or what your guidelines will be.

24 Also, we do not have parole in federal court. In
25 the state court system, there is the possibility of early

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1 release on parole. We don't have that.

2 Do you understand that?

3 THE DEFENDANT: Yeah.

4 THE COURT: So, I'm going to ask the Government what
5 it's prepared to prove if this case went to trial.

6 MR. ALGOR: Yes, your Honor.

7 The Government would be prepared to prove, through
8 both witnesses as well as documentary evidence and electronic
9 evidence, that the Defendant, in late August of 2019, started
10 to communicate with what he believed to be pro-ISIS accounts
11 online and discussed planning to conduct a knife attack in
12 Queens, New York; specifically, the promenade in the World
13 Fair's Marina vicinity; that he conducted surveillance and
14 provided surveillance videos of the area that he intended to
15 attack; and that he also ordered with what turned out to be
16 online undercovers certain items that he was -- going to be
17 used in this knife attack, to include a knife, tactical gear,
18 and a harness that he would use to film the attack; he pledged
19 allegiance to ISIS in those communications as well as sent
20 propaganda of ISIS; and that there's additional electronic
21 evidence found in Defendant's computer and phones that shows
22 chockful hundreds of thousands of videos and other material
23 related to ISIS; that the Defendant knew that ISIS was either
24 a foreign terrorist organization or that they conducted
25 terrorist attacks.

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1 So, that would be the bulk of the evidence. And
2 then, obviously, that it happened in the Eastern District of
3 New York.

4 THE COURT: Thank you.

5 Is there anything that the defense would like to say
6 at this point?

7 MR. JACOBSON: No, your Honor.

8 THE COURT: Mr. Chudhary, are you ready to plead?

9 THE DEFENDANT: Yes, I am, your Honor.

10 THE COURT: Mr. Jacobson, is there any reason why
11 your client should not plead guilty at this time?

12 MR. JACOBSON: Your Honor, we have discussed a
13 number of legal defenses with Mr. Chudhary but have decided
14 that the current course is the best option for him today as
15 opposed to asserting those defenses at trial.

16 THE COURT: Mr. Chudhary, as to the charge in the
17 indictment of attempted provision of material support to a
18 foreign terrorist organization, how do you plead, guilty or
19 not guilty?

20 THE DEFENDANT: I plead guilty.

21 THE COURT: Are you pleading guilty voluntarily?

22 THE DEFENDANT: I am.

23 THE COURT: Has anyone forced you threatened you or
24 made you any promises to induce you to plead guilty?

25 THE DEFENDANT: They haven't.

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1 THE COURT: Has anyone promised you what your
2 sentence will be?

3 THE DEFENDANT: No one did.

4 THE COURT: So, I'm going to ask you if you could
5 explain to me what it is that you did that makes you guilty of
6 this charge.

7 MR. JACOBSON: Your Honor, we'll proceed by proffer,
8 and Mr. Chudhary can confirm the veracity of that proffer
9 afterwards.

10 THE COURT: Any objection from the Government?

11 MR. ALGOR: If you stipulate, I think if the
12 Defendant is reading off of something that he worked out with
13 his attorney, he can do so and he can read that in. I don't
14 think we need Mr. Jacobson making the representations, we need
15 to hear from the Defendant himself.

16 MR. JACOBSON: I don't think it's necessary for
17 Mr. Chudhary to make the statement. He'll agree to the facts
18 that I put forward in the proffer.

19 THE COURT: Why don't we start with you?

20 And if Mr. Algor feels that there's anything else,
21 he can ask me.

22 MR. JACOBSON: Thank you, Judge.

23 As the Government stated, the evidence in this case
24 shows that in August of 2019, Mr. Chudhary communicated with
25 undercover FBI agents on an online social media platform. The

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1 undercover agents were posing as ISIS supporters and
2 Mr. Chudhary expressed to the agents his desire to provide
3 support to ISIS in the form of personnel.

4 In addition to communicating with the undercover
5 agents regarding plans to provide support, at the direction of
6 the agents Mr. Chudhary took videos of various potential
7 locations in Queens, New York, and at the agents' direction
8 sent them the videos.

9 Mr. Chudhary, is everything I've said so far
10 accurate?

11 THE DEFENDANT: Yeah.

12 MR. JACOBSON: And at the time, did you know that
13 ISIS was a foreign terrorist organization?

14 THE DEFENDANT: Yes.

15 MR. JACOBSON: We think that's sufficient, Judge.

16 THE COURT: Mr. Algor?

17 MR. ALGOR: Your Honor, I don't think that they've
18 met the substantial step in that he stopped short of the
19 additional piece where he went to pick up the items to conduct
20 the knife attack that he had ordered.

21 And, so, it seems that Mr. Jacobson is trying to
22 cabin off just at the surveillance, and I don't think that
23 he's -- he's met a substantial step.

24 MR. JACOBSON: Your Honor, I think that will be a
25 question at sentencing. I think the Second Circuit case law,

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1 however, is extremely clear that surveilling or doing
2 reconnaissance at potential locations or targets is more than
3 a substantial step under the circuit case law.

4 MR. ALGOR: Your Honor, I'm not disagreeing with
5 that, but I would ask that the Defendant stipulates to the
6 fact that the Defendant did take -- did go to the locker to
7 pick up items, including a knife and other material, that he
8 had ordered with the online undercovers.

9 MR. JACOBSON: I think that goes far beyond what's
10 necessary for the plea colloquy. I can say that we don't
11 dispute that he went to that location, but he doesn't need to
12 stipulate to that.

13 THE COURT: Let's start with the basic elements
14 again. Read your first sentence.

15 MR. JACOBSON: In August of 2019, your Honor,
16 Mr. Chudhary communicated with undercover FBI agents on an
17 online social media platform. Those agents were posing as
18 ISIS supporters and Mr. Chudhary expressed to the agents his
19 desire to provide support to ISIS.

20 THE COURT: Stop there.

21 MR. JACOBSON: That covers the intent element.

22 THE COURT: Stop right there.

23 Mr. Chudhary, did you hear what your lawyer said?

24 THE DEFENDANT: Yeah.

25 THE COURT: Is what he said true?

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1 THE DEFENDANT: Yeah.

2 THE COURT: Can you tell me in your own words what
3 it was that you did that your lawyer just -- explain it to me.

4 THE DEFENDANT: Like, under their agent, they told
5 me to take reconnaissance of places, like, film. That's what
6 the agent told me to do. And I did that.

7 THE COURT: And what was the purpose of doing that
8 for them?

9 THE DEFENDANT: I mean, that's, like -- it ended up,
10 like, it could have been used in support of ISIS.

11 THE COURT: Was that surveillance reconnaissance
12 intended to be a step towards an attack that would have
13 been -- that you would have conducted in support of ISIS?

14 MS. HIROZAWA: Your Honor, may we have a moment?

15 THE COURT: Sure.

16 (Defendant and his counsel confer.)

17 THE DEFENDANT: At the time, that was my
18 understanding of the agents' request and pressure, yeah.

19 THE COURT: Was that your understanding as well?

20 THE DEFENDANT: Yeah.

21 THE COURT: And did you think that the plan that you
22 developed with the agents was in support of the goals of ISIS?

23 THE DEFENDANT: Yeah, the agents, the plan that was
24 being presented, and the pressure was, yeah, for that.

25 THE COURT: I don't know if your mic is on. I can't

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1 really hear you.

2 THE DEFENDANT: Yeah, under the agents', like,
3 direction and pressure, yeah -- yes.

4 THE COURT: So, you thought when speaking to the
5 agents you were speaking with ISIS, essentially?

6 THE DEFENDANT: No.

7 THE COURT: No.

8 MS. HIROZAWA: ISIS supporters, your Honor.

9 THE COURT: Supporters.

10 Okay. And did you know that ISIS was a designated
11 terrorist organization?

12 THE DEFENDANT: Yes.

13 THE COURT: And did you know that ISIS had engaged
14 in terrorist activity as defined under federal law?

15 MR. JACOBSON: It's sufficient that he knew that it
16 was a designated foreign terrorist organization, Judge.

17 MR. ALGOR: We agree with that, your Honor.

18 THE COURT: And did you discuss with the agents a
19 plan for carrying out terrorist activity?

20 THE DEFENDANT: That's what was being discussed with
21 the agents.

22 THE COURT: I'm sorry, I couldn't hear that.

23 MR. JACOBSON: He said that's what was being
24 discussed with the agents.

25 MR. ALGOR: Your Honor, if we could just ask that

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1 the defense stipulate that he told the undercover that he
2 wanted to conduct a knife attack and then subsequently sent
3 surveillance videos, I think that would clarify a lot of this.

4 MR. JACOBSON: We agree that's what the evidence
5 shows.

6 THE COURT: Is that correct, Mr. Chudhary?

7 THE DEFENDANT: On the apparent, yes, but
8 underlying...

9 (Pause in proceedings.)

10 THE DEFENDANT: On the surface, yes, but underlying
11 there was more to it in terms of, like...

12 MR. ALGOR: Your Honor, we'd ask either the defense
13 stipulates to that or he doesn't.

14 THE COURT: Repeat again what it is.

15 MR. ALGOR: Yes, your Honor.

16 When the Defendant initially started to communicate
17 with what he believed to be a pro-ISIS supporter account, that
18 he said he wanted to commit a knife attack in Queens, and then
19 subsequently sent surveillance videos following that.

20 MR. JACOBSON: I've already asked him that question
21 twice and he said yes.

22 THE COURT: So, the defense is stipulating to that
23 and the Defendant has testified to that.

24 MR. JACOBSON: Yes, Judge.

25 MR. ALGOR: We have nothing further. We think

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1 that's adequate under the statute.

2 THE COURT: Is there anything else the defense would
3 like to say?

4 MR. ALGOR: No, your Honor. Thank you.

5 THE COURT: Mr. Chudhary, I find that you're acting
6 voluntarily; that you fully understand your rights, the
7 charges against you, the rights you're giving up by pleading
8 guilty; the consequences of the guilty plea, including
9 possible sentence, fine, and other penalties; I find that you
10 understand that there's no guarantee what your sentence will
11 be at this time or even what the guideline range will be; and
12 I find that there's a factual basis for the plea, that you
13 did, in fact, satisfy the elements of the offense set forth in
14 18 U.S. Code 2239(b), and I, therefore, recommend that
15 Judge Amon accept your plea of guilty to the charge.

16 THE DEFENDANT: Okay.

17 THE COURT: Is there anything else from the
18 Government?

19 MR. ALGOR: Not from the Government, your Honor.

20 THE COURT: From the defense?

21 MR. JACOBSON: No, your Honor. Thank you, Judge.

22 THE COURT: So, the next step will be that the
23 probation department will be drafting a presentence
24 investigation report, and that will be going into factors that
25 could be helpful to you as well as helpful to the Government.

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1 You have a right to have your lawyer present when you're
2 interviewed by the probation department and to make
3 submissions to the Court if in any way you disagree with what
4 the report says.

5 THE DEFENDANT: Okay.

6 THE COURT: Okay. Thank you. That concludes the
7 proceedings.

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9 (Matter concluded.)

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13 *I (we) certify that the foregoing is a correct transcript*
14 *from the record of proceedings in the above-entitled matter.*

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15 /s/ Linda A. Marino
16 *LINDA A. MARINO*

August 29, 2022
Date

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